

Toolkit for the management of solid waste from civil and construction & demolition sites



Environment
Protection
Authority Victoria

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Toolkit

This toolkit is designed for procurement officers and construction project managers in the Victorian Public Service who work on contracts that involve construction and demolition.

Under the Environment Protection Act 1970, Section 27A(2), the generator of industrial waste has the ultimate responsibility for the correct classification and management of waste; this responsibility cannot be contracted out.

Environment Protection Act 1970

27A Offences relating to industrial waste

Any person who dumps, deposits, discards or abandons or permits to be dumped, deposited, discarded or abandoned a particular kind of industrial waste —

- (a) at a place not being a site licensed to accept industrial waste of that kind under this Act; or
- (b) at a site which is licensed to accept industrial waste under this Act without the knowledge or consent of the licence holder — is guilty of an indictable offence.

Penalty: 5000 penalty units (\$775,000)

To avoid offences related to industrial waste, procurement officers and construction project managers should be familiar with how their contractors and subcontractors on construction sites manage waste. This document offers a pathway for Departments to avoid the risk of committing an offence under the Environment Protection Act. It refers specifically to the tender, contract and project management phases of construction projects. A link to the relevant regulations and supporting documentation can be found [here](#).

This document is comprised of two parts:

Part 1. The tender and contract – Outlines the key area for consideration when developing tender documents and contracts.

Part 2. Construction project management – checklist tool to ensure contractors and sub-contractors are compliant.

Part 1 – The tender and contract

User note: the following section is designed to be pasted into requests for tender documentation.

Requirements for the tender specification

Environmental Management Plan (EMP)

The EMP must include:

1. An outline of how the waste streams (listed below) will be addressed in terms of generation, recycling and disposal, including applicable facility approvals (planning permit or licence), during the construction phases:
 - Demolition waste
 - Soils including contaminated soils
 - Asbestos
 - Prescribed Industrial Wastes (PIW) other than contaminated soils
 - Liquid waste (eg trade waste, drilling mud, paint wastes)
 - Concrete wash out wastes
 - General wastes
2. A reporting template to be used for delivering the above-mentioned information to the principal contractor. Note that this may be able to occur within overall project reporting.
3. A schedule of rates for the disposal of contaminated soil where soil investigations have not identified contaminants or where soil investigations have not yet been undertaken to determine if the site is contaminated or not.

What the contract should address

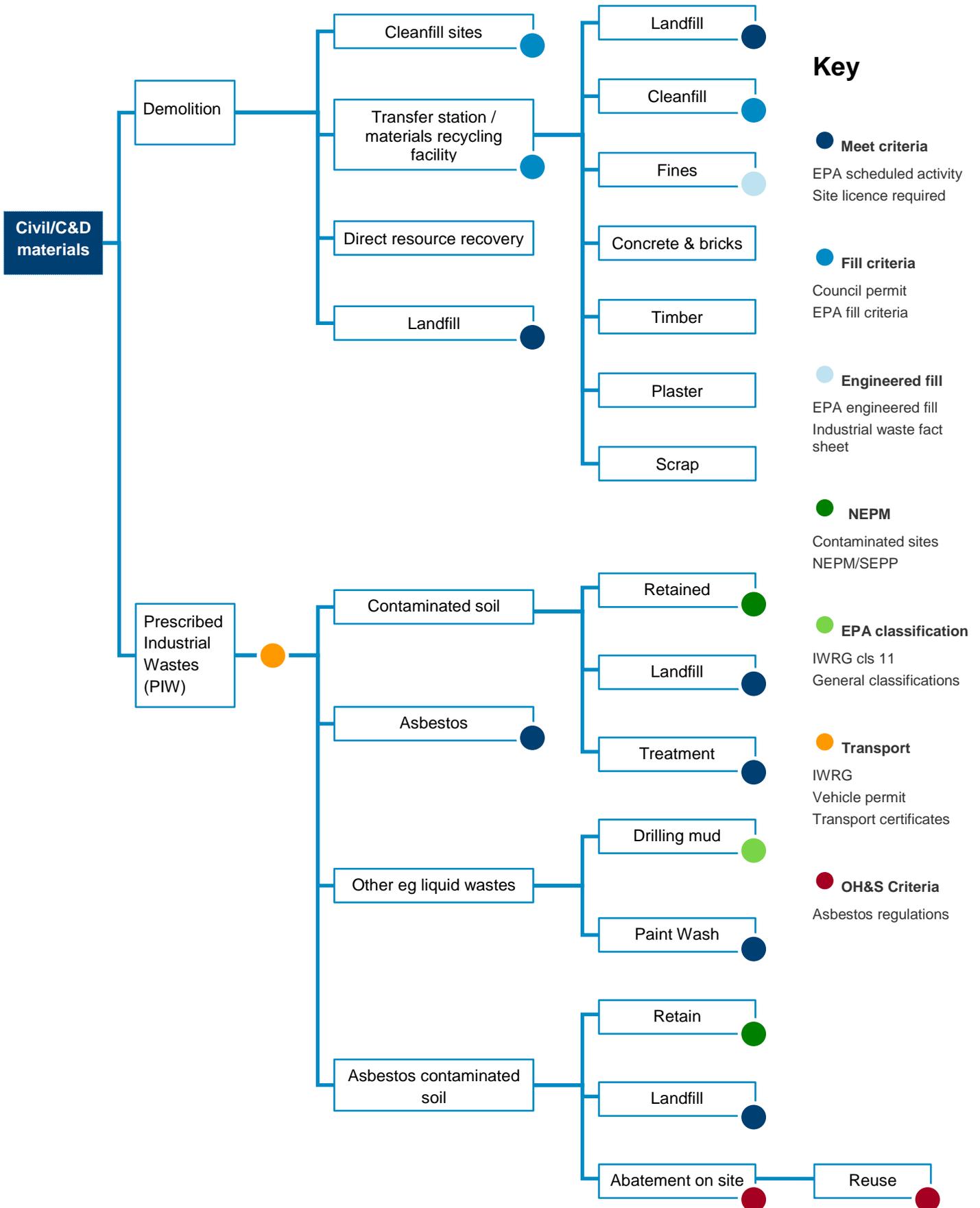
The contract should include:

1. Confirmation that any variation/updates on the EMP must be advised to the principal.
2. The requirements of the EMP must be indicated in the contract using the reporting template.
3. Agreed payment milestones for the delivery of key components relating to recycled materials and waste. For example, disposal dockets may be required as part of payment.

Diagram 1 below can be used as a guide to better understand which waste streams are to be addressed in the tender documentation and EMP. Where waste streams in the diagram encounter a coloured bubble there are EPA requirements associated with the facility that receives it. This can be used to alert procurement officers that evidence of correct disposal is required.

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Diagram 1. Construction and Demolition Waste Flows



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Part 2 – Construction project management

What tools are available to assess compliance?

User note: use the following checklist for assessment of contract deliverables.

Project managers on construction sites need to ensure their contractors are demonstrating their contractual obligations for the correct disposal of wastes. The below checklist provides examples of documentary evidence contractors should provide to demonstrate regulatory compliance. If contractors are not able to provide the suggested documentation, further investigation is required.

This checklist is broken into 3 key areas:

1. Construction and demolition wastes
2. Asbestos
3. Soils

1. Construction and demolition wastes

Was demolition required on site?					
	Item	Determination	Requirement	Evidence	Evidence sighted
1	Is any of the waste PIW?	Yes – sight evidence and go to Q.2 No – sight evidence and go to Q.2	Yes – evidence must be able to be provided to EPA upon request. No – evidence must be able to be provided to EPA upon request.	<ul style="list-style-type: none"> • sampling results • risk assessment report • audit report 	
2	Was the waste sent for reuse, recycling/ reprocessing?	Yes – sight evidence No – investigate why this did not occur, and/or go to Q.3	Yes - waste must be sent a facility permitted to receive it. Note: if direct reuse on/offsite an engineering report or specification should be available. If the waste is PIW, reuse onsite may require sign off by an EPA appointed Auditor. Reuse offsite must be conducted in accordance with DBR/SBR criteria in IWRR Part 5.	<ul style="list-style-type: none"> • council permit or EPA licence • weighbridge receipts • recycling reports (if applicable) • engineered specification (if applicable) • audit report 	
3	Was the waste sent for disposal to landfill?	Yes - sight evidence No– investigate why this did not occur	Waste must be sent to a facility Licensed by EPA to receive it.	<ul style="list-style-type: none"> • EPA licence • weighbridge receipts 	

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2. Asbestos

Asbestos				
Item	Determination	Requirement	Evidence	Evidence sighted
1	Was asbestos identified on site? Yes – sight evidence and go to Q.2 No -END	<ul style="list-style-type: none"> Worksafe must receive a notice to remove asbestos by a licensed asbestos removalist 	<ul style="list-style-type: none"> asbestos audit evidence of Worksafe notification removalist licence occupational hygienist report 	
2	Was the asbestos sent for disposal in Victoria? (Note asbestos is a Category C PIW) Yes - sight evidence No – investigate why this did not occur	<ul style="list-style-type: none"> a permitted vehicle is used and waste is tracked using an EPA transport certificate transported to a facility licensed/approved to receive the waste 	<ul style="list-style-type: none"> copy of EPA vehicle permit EPA waste transport certificate EPA issued licence 	

3. Soils

Contaminated soils (Prescribed Industrial Waste)				
Item	Determination	Requirement	Evidence	Evidence sighted
1	Was contaminated soil identified on site? Yes- sight evidence and go to Q.2 No -go to Q.4	<ul style="list-style-type: none"> ensure soil is assessed & categorised 	<ul style="list-style-type: none"> site assessment analysis report geo-tech report (if applicable) environmental audit 	
2	If contaminated soil retained on site, has an assessment of this re-use/retention been undertaken in line with the SEPP PMCL and National Environment Protection Measure Assessment of Site Contamination (NEPM ASC)? Yes – sight evidence and go to Q.3 No – investigate why this did not occur	<ul style="list-style-type: none"> reuse/retention must adhere to SEPP and NEPM requirements works approval may be required for containment 	<ul style="list-style-type: none"> report from consultant/auditor council permit conditions works approval conditions if required 	
3	Was the contaminated soil sent for treatment or disposal? Yes – sight evidence and go to Q.4 No – investigate why this did not occur	<ul style="list-style-type: none"> an EPA permitted vehicle is used and waste is tracked using an EPA waste transport certificate transported to a facility licensed/approved to receive the waste 	<ul style="list-style-type: none"> copy of EPA vehicle permit EPA waste transport certificate EPA Vic issued licence 	
4	Was uncontaminated soil (or treated contaminated soil) sent to a clean fill site, or reused onsite? Yes – sight evidence No – investigate why this did not occur	<ul style="list-style-type: none"> transported to a facility licensed/approved to receive the waste 	<ul style="list-style-type: none"> council permit EPA issued licence weighbridge receipts 	

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Was fill material removed from site?					
	Item	Determination	Requirement	Evidence	Evidence sighted
1	Was fill removed from site?	Yes-sight evidence and go to Q.2 No -END	<ul style="list-style-type: none"> ensure soil is assessed & categorised 	<ul style="list-style-type: none"> site assessment analysis report geo-tech report (if applicable) 	
2	Did the fill material contain industrial waste (bricks, timber etc)?	Yes – go to Q3 No- sight evidence of disposal	<ul style="list-style-type: none"> transported to a location permitted to receive the waste 	<ul style="list-style-type: none"> council permit 	
3	Was this industrial waste removed prior to offsite disposal?	Yes – END No- go to Q.4			
4	Was the waste sent for disposal to landfill?	Yes - sight evidence No – investigate why this did not occur	<ul style="list-style-type: none"> waste must be sent to a facility licensed or approved to receive it. 	<ul style="list-style-type: none"> EPA Vic issued licence weighbridge receipts 	